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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,400	07/15/2003	Wayne Lee Wilson	P06337US01	7641

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801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,400

Applicant(s)

WILSON, WAYNE LEE

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group II (claims 5-10) in the reply filed on 03/23/2005 is acknowledged. It is noted that in the response of the election requirement applicant does not include ground(s) for the traversal. As stated in the election/restrictions action mailed on 09/23/2004 (see paragraphs 2-3), the requirement is proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/23/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5, 7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Napadow (US 4,608,064).

As to claims 5 and 7, Napadow discloses (see Figs 1-2 and column 4, lines 4-38) a system for collecting overspray materials comprising an enclosed spraying area (spray booth 10 having a housing 24); an applicator (spray nozzle 26) spraying material towards an object (article 28); panel curtains (baffle panels 44) forming near a vertical wall within the spraying area, the panel curtains being located opposite the object from the applicator and including slots (baffles 44 including slots, see column 4, lines 4-18) for air passage (for passing air through the baffle panel 44, the slots are capable of being thin so as to retain the paint particles transported by water on the baffle and to pass the air through the holes); material dispensers or cleaning manifold (nozzles 48) that flow material or water onto an upper portion of the curtain (baffles 44); and a collection pan (reservoir 18) located beneath the panel curtains (baffles 44).

With respect to claim 9, Napadow discloses a system for collecting overspray materials comprising air intake filters (air cleaning section 11 having baffles 21) operatively connected to the enclosed spraying area (spray booth having a housing 24).

As to claim 10, Napadow discloses a plurality of structural panels forming an enclosed area (see Figs 1-2, for parts of the housing 25 of the coating booth 10); a curtain within the enclosed area (baffle 44); dispensers (nozzles 48) aimed at the upper region of the panel curtains (baffle panels 44); and a collection tray (reservoir 18) at the bottom of the panel curtains (baffle panels 44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Napadow (US 4,608,064) as applied to claim 5 and further in view of Kearney (US 4,096,066). Napadow lacks teaching a pump and connection hose to cycle material from the collection pan to the material dispensers. Kearney discloses (see Figs 1, 2 and 4) a pump (15) and hose (17) to cycle material from the collection pan (tank 8) to the dispensers (water jets 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pump and hose in Napadow to prevent wastage of processing liquid by recycling the air cleaning water.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Napadow (US 4,608,064) as applied to claim 5 and further in view of Yamauchi et al (US

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6,497,751). Napadow lacks teaching an agitator in the collection pan. However it is well known in the art to use agitator or mixer in a tank containing processing liquid to keep the mixture stirred. For instance, Yamauchi et al discloses (see column 6, lines 12-13) an agitator for a recovered paint tank. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agitator in Napadow's tank to mix the mixture of the oversprayed paint material with water so as to recycle the coating material to the dispensers in the application of water-based paint.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yewebdar T. Tadesse

ca J
CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER
Au 1734